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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,015	09/05/2003	Dianne Smith Phillips	G&C 30566.254-US-UI	8148
55895 7590 02/07/2007 GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT 2179	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/656,015

Applicant(s)

PHILLIPS ET AL.

Examiner

Nicholas Augustine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is responsive to the following communications: Letter filed on: 1/18/2007. **The finality of the previous office action is hereby withdrawn.**
2. Claims 1, 3-8, 10-15 and 17-21 are pending in the case. Claims 1, 8 and 15 are the independent claims. Claims 1, 8, 15 are the amended claims. Claims 2, 9, 16 are canceled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kashiwagi (US 6,037,939).

**As to independent claim 1, 8 and 15**, Kashiwagi teaches a method and corresponding apparatus and article for displaying a graphical illustration of an

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object in a computer graphics program (fig.2), comprising elements, steps and means for: a computer having a memory (403); an application executing on the computer, wherein the application is configured to obtaining an object in a computer graphics program (fig.1); displaying a properties palette for the object (fig.2, 1031-1034), wherein the properties palette (1) comprises one or more object properties having corresponding property values (fig.2, 1032-1034); displaying a graphical illustration of the object in the properties palette (fig.2,1011); wherein one or more of the object properties, in the properties palette, are keynoted to refer to corresponding keynotes displayed in the graphical illustration in the properties palette (fig.2, 105 and 1012; wherein there is a graphical indication of an object being edited)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. *Claims 1, 3-8, 10-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clevenger et al.*

*([http://www.daz3d.com/program/bryce/Bryce5\\_Manual\\_DAZ.pdf](http://www.daz3d.com/program/bryce/Bryce5_Manual_DAZ.pdf)) in view of Parametric Technology Corporation et al. (PTC herein).*

*([http://www.ptc.com/company/mail/express2002021download\\_guide.htm](http://www.ptc.com/company/mail/express2002021download_guide.htm)).*

**As to independent claim 1, 8 and 15**, Clevenger teaches a method and corresponding apparatus and article for displaying a graphical illustration of an object in a computer graphics program (PDF page 129, column 1; paragraph 5), comprising elements, steps and means for: a computer having a memory (PDF pg. 12, col. 1 and PDF pg. 126, par. 5); an application executing on the computer, wherein the application is configured to obtaining an object in a computer graphics program (PDF pg. 129, col. 1, par. 6); displaying a properties palette for the object (PDF pg. 130, Figure 1, col. 1), wherein the properties palette comprises one or more object properties having corresponding property

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values (PDF pg. 131, col. 1, par. last and col. 2 par. 1-2); displaying a graphical illustration of the object in the properties palette (PDF pg. 130, Figure 1).

Clevenger teaches the use of keynotes of object properties within the same window/ palette (pages 230-238). Clevenger does not specifically mention the use of keynotes in the object palette. However in the same field of endeavor PTC teaches wherein one or more of the object properties, in the properties palette, are keynoted to refer to corresponding keynotes displayed in the graphical illustration in the properties palette (PDF pg. 29, Fig.1 and PDF pg. 172, Fig.1; wherein the user selects an option from the palette to show a display view of an object with keynotes pointing to different parameters of the object, to where the keynotes are dictated in an organized manner to accommodate the user). It would have been obvious to one skilled in the art at the time of the invention to combine the keynotes of a three dimensional object for use of pointing out different parameters of a three dimensional object into the editing palette of a three dimensional object that has parameters associated by values as defined by a user of Clevenger. The motivation to combine being that of PTC is a program designed to accommodate a user in the design process of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also accommodates a user in the design process of three dimensional modeling. Of course, those skilled in the art will appreciate that the function and idea of providing a graphical indication of what the user is currently selecting is very well known and no longer novel.

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**Note:** *Clevenger teaches a means of keynoting, wherein a graphical indication is displayed to the user of controls and effected areas of the controls therein of a three-dimensional object (see pages 230-238). The object being displayed in the window also can be construed as being a palette as seen on page 8 of Clevenger, wherein is depicted editable controls with a display of a three dimensional object.*

**As to dependent claims 3, 10 and 17,** note the discussion of Clevenger and Clevenger in view of PTC above. Clevenger does not specifically mention highlighting. However in the same field of endeavor PTC teaches highlighting the keynote displayed in the graphical illustration when the cursor is passes over the corresponding object property (PDF pg. 34, par. 1). It would have been obvious to one skilled in the art at the time of the invention to combine the keynotes of a three dimensional object for use of pointing out different parameters of a three dimensional object into the editing palette of a three dimensional object that has parameters associated by values as defined by a user of Clevenger. The motivation to combine being that of PTC is a program designed to accommodate a user in the design process of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also accommodates a user in the design process of three dimensional modeling.

**As to dependent claims 4,11 and 18,** note the discussions of Clevenger and PTC above. Clevenger does not specifically mention highlighting. However

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in the same field of endeavor PTC teaches highlighting one or more keynoted object properties when the cursor is passed over the corresponding keynote or property displayed in the graphical illustration (PDF pg. 26, par. 1 and PDF pg. 153, par. last). It would have been obvious to one skilled in the art at the time of the invention to combine the keynotes of a three dimensional object for use of pointing out different parameters of a three dimensional object into the editing palette of a three dimensional object that has parameters associated by values as defined by a user of Clevenger. The motivation to combine being that of PTC is a program designed to accommodate a user in the design process of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also accommodates a user in the design process of three dimensional modeling.

**As to dependent claims 5, 12 and 19**, note the discussion of Clevenger and PTC above. Clevenger does not specifically mention the ability to toggle visibility of the graphical object using a button. However in the same field of endeavor PTC teaches toggling the visibility of the illustration using a show/hide illustration button (PDF pg. 145, par 3, Num 2 and PDF pg. 148, par 2, Num. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine PTC's embodiment of hiding and un-hiding a graphical objects into Clevenger's graphical editing program as modified by PTC. PTC teaches selections on the object illustration are easier to make (PDF pg. 144, par. 2).



**As to dependent claims 6,13 and 20**, Clevenger teaches the method and corresponding apparatus and article of claims 1,8 and 15 (note analysis above), further comprising changing the view of the object displayed in the graphical illustration using a shortcut menu (PDF pg. 130, col. 2, par. 2 and PDF pg. 131, col. 1, par. 3).

6. *Claims 7,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clevenger et al. in view of SkySof Software (CAD.OCX 1 ; [http://www.download.com/CAD-OCX/3000-6677\\_4-1400022.html?tag=lst-2-1](http://www.download.com/CAD-OCX/3000-6677_4-1400022.html?tag=lst-2-1))*

**As to dependent claim 7,14 and 21**, note the discussion of Clevenger. Clevenger teaches a graphic editing program, where the user is presented with an illustration of a graphical object to which the user can modify freely. Clevenger does not specifically mention the graphic illustration is being presented with an ActiveX component/control/application when the user is editing the object within the edit palette. However for the same problem sought to be solved SkySof teaches wherein the graphical illustration is enabled by an ActiveX application (par.1, software description). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ActiveX control to draw/render 3D objects into the graphic editing program of Clevenger. A control for handling user request in AutoCAD (a three dimensional modeling application) (par. 1)

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It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1,3-8,10-15,17-21 have been considered but are moot in view of the new ground(s) of rejection.

*Applicant's argument that the prior art found does not disclose the use of keynotes in a properties palette and keynoting properties that are displayed in a property palette.*

Applicant argues that neither Clevenger nor PTC discloses editing a three dimensional object with the aid of keynotes pointing out parameters that are to be edited together. That they do not show keynotes being used with a palette. (See arguments page 7, par.6).

The Examiner disagrees.

It was made clear that a combination of references was used. In such that Clevenger taught a three dimensional object being displayed on an object properties palette, wherein the current object being displayed has editing controls adjacent to the three dimensional object (pg. 121) which is separate from the main view of the application (pg.8). Clevenger also teaches a means of keynoting an objects properties, wherein a graphical indications are displayed to the user to indicate tools and effected elements/ properties of the three dimensional scene

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being created by the user (see page 230, column 2) wherein described "...The Object Attribute icons that appear next to an object's bounding box let you access different editors and set object attributes..." Clevenger clearly gives all the means necessary to provide object parameter keynotes with graphical indications to a three dimensional object. As for the teachings of PTC, it was to be understood that the combination of PTC into Clevenger was made for more supporting evidence that it would be obvious to one of ordinary skill in the art to use a better graphical indication was depicted (PDF pg. 172). The combination would allow for one skilled in the art to see that the elements being keynoted as referenced from a list on the same palette window as depicted in the figure on PDF pg. 172. Therefore the combination of Clevenger and PTC teaches the use of keynotes in a property palette and keynoting properties that are displayed in a properties palette.

*Applicant's argument that dependent claims provide further advantages (i.e. with respect to the highlighting of the keynotes).*

The Examiner disagrees.

PTC clearly shows a highlighting method on a three dimensional object (PDF pg. 153, par. last).

*Applicant's argument that dependent claims 3-7, 10-14 and 17-21 recite additional novel elements not shown by Clevenger, PTC and SkySof.*

The Examiner disagrees.

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Although no particular point was made to what element was not taught. It should be understood that the references were used in combination to show obvious variants as explained in the previous office action and above.

### ***Conclusion***

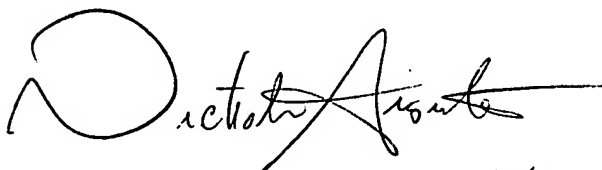
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- \* [http://www.sulaco.co.za/opengl\\_project\\_OpenGL\\_ActiveX.htm](http://www.sulaco.co.za/opengl_project_OpenGL_ActiveX.htm) - use of an ActiveX control in use with OpenGL to display 3D objects in a browser.
- \* Battat et al. (US 5,958,012) – Editing graphical objects in an edit palette.
- \* [http://www.datacad.com/news/press\\_releases/datacad\\_9\\_rel.htm](http://www.datacad.com/news/press_releases/datacad_9_rel.htm) - application for editing graphical illustrations of objects.

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***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



N. Augustine  
December 15, 2006

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